IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 3464 of 2005(K)

PETITIONER:
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1. UMMAR KOTTAPPURAM,
HIGH SCHOOL ASSISTANT (MATHS)
NOCHAT HIGHER SECONDARY SCHOOL, NOCHAT,
KOZHIKODE DISTRICT.

2. NASEERA C., HIGH SCHOOL ASSISTANT
(NATURAL SCIENCE), DO. DO.

3. P.P.BABU, HIGH SCHOOL ASSISTANT
(PHYSICAL SCIENCE), DO. DO.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

3. THE DISTRICT EDUCATIONAL OFFICER,
VADAKARA, KOZHIKODE DISTRICT.

4. THE HEADMASTER, NOCHAT HIGHER SECONDARY
SCHOOL, NOCHAT, KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ANNEXURE III OF GO(P)NO.3000/98/FIN DATED 25-11-98 ISSUED BY GOVT. OF KERALA, FINANCE(PAY REVISION IMPLEMENTATION) DEPARTMENT.**
EXT.P2	**TRUE COPY OF LETTER DATED 14-1-2005 ISSUED BY THE FOURTH RESPONDENT TO THE FIRST PETITIONER.**
EXT.P3	**TRUE COPY OF LETTER DATED 14-1-2005 ISSUED BY THE FOURTH RESPONDENT TO THE SECOND RESPONDENT.**
EXT.P4	**TRUE COPY OF LETTER DATED 14-1-05 ISSUED BY THE FOURTH RESPONDENT TO THE THIRD RESPONDENT.**

/True Copy/

K.M.JOSEPH, J.

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WP.(C) No. 3464 OF 2005

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Dated this the 18th day of December, 2006

JUDGMENT

Case of the petitioners in brief is as follows:

They are working as High School Assistants (Core subject) in an aided School. Pursuant to the 1997 pay revision, their pay was fixed at Rs.4600/- in the scale of pay of Rs.4600-7125 with effect from 1.3.1997. One Smt. P.M.Souda, an HSA in Malayalam, who is junior to the petitioners started drawing Rs.4700/- as her basic pay as her date of increment fell on 1.7.1997. Thereupon pay of the petitioners was raised to Rs.4700/- with effect from 1.7.1997. It is stated that on the basis of the view taken by the Deputy Director of Education that High School Assistant in core subject and High School Assistant in language cannot be treated as one category, they are going to withdraw the benefit given to petitioners. Exts. P2 to P4 orders are challenged.

2. Learned Government Pleader would submit that the matter is covered, in fact in favour of the petitioners, by the judgment in W.P.(C) 20914 of 2003.

In such circumstances, the writ petition is allowed and Exts.P2 to P4 are quashed.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.